

APR 18 2005

MARY L.M. MORAN
CLERK OF COURT

(S7)

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Attorney for Defendant
SHAWN L.H. KUHN

FILED
DISTRICT COURT OF GUAM
AUG - 2 2005

MARY L.M. MORAN
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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CRIMINAL CASE NO. 95-00082
)	CIVIL CASE NO. 04-00048
Plaintiff,)	STIPULATION AND ORDER TO
)	VACATE CONVICTION AND
vs.)	SENTENCE
)	
SHAWN L.H. KUHN,)	
)	
Defendant.)	
_____)	

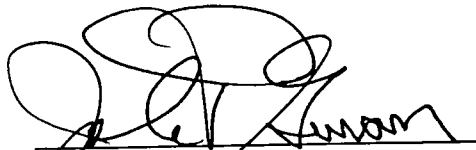
STIPULATION AND ORDER TO VACATE CONVICTION AND SENTENCE

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein that the defendant's conviction on Criminal Case No. 95-00082 and Civil Case No. 04-00048 be vacated as a result of the Ninth Circuit Court of Appeals decision in United States v. Cabaccang, 332 F.3d 622 (9th Cir. 2003). It is the intent of the parties that Mr. Kuhns' conviction and sentence be rendered null and void based on the rationale set forth in Defendants Motion to Vacate, Set Aside,


or Correct Sentence, pursuant to 28 U.S.C. § 2255 and the Government's Answer filed in response thereto.

IT IS SO STIPULATED:

DATED: Mongmong, Guam, April 11, 2005.

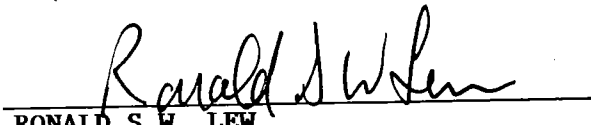

JOHN T. GORMAN
Attorney for Defendant
SHAWN L.H. KUHNS

DATED: Hagatna, Guam, April 11, 2005.


KARON V. JOHNSON
Attorney for Plaintiff
UNITED STATES OF AMERICA

IT IS APPROVED AND SO ORDERED that the judgment of conviction and sentence in this case be vacated:

DATED: Hagatna, Guam, April 11, 2005.


RONALD S.W. LEW
Designated Judge
District Court of Guam

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